

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEBRA L. STORRS,

Plaintiff,

v.

Select Portfolio Servicing; National
Default Servicing Corporation; U.S. Bank,
N.A.; Bank of America, N.A.; LaSalle
Bank, N.A.; JPMorgan Chase; all persons
unknown claiming any legal or equitable
right, title, estate, lien or interest in the
property described in the complaint
adverse to plaintiff's title or any cloud
upon plaintiffs title thereto; and DOES 1
to 20, inclusive,

Defendants.

Case No.: 15cv2303 JM(KSC)

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

This order addresses the motion to dismiss filed by Defendants Select Portfolio Servicing, Inc., U.S. Bank, National Association, as Successor Trustee to Bank of America, N.A., as Successor by Merger to LaSalle Bank, N.A., as trustee for WaMu Mortgage Pass-Through Certificates, Series 2006-AR9 Trust, and National Default Servicing Corporation on November 11, 2015 (Doc. No. 5); and the motion to dismiss

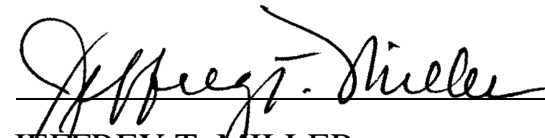
1 filed by Defendant JPMorgan Chase Bank, N.A. on November 25, 2015 (Doc. No. 8).
2 Plaintiff has not filed an opposition or a statement of non-opposition. Defendant
3 JPMorgan Chase Bank, N.A. filed a reply on January 4, 2016. (Doc. No. 11). The
4 motions were set for a hearing on January 11, 2016, and were found suitable for
5 resolution without oral argument pursuant to Local Civil Rule 7.1.d.1.

6 Local Rule 7.1.e.2 provides that, “each party opposing a motion . . . must file that
7 opposition or statement of non-opposition with the clerk and serve the movant or the
8 movant’s attorney not later than fourteen (14) *calendar* days prior to the noticed hearing.”
9 Additionally, Local Rule 7.1.f.3.c provides that “[i]f an opposing party fails to file the
10 papers in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a
11 consent to the granting of a motion or other request for ruling by the court.” Here, the
12 hearing was scheduled on January 11, 2016, and Plaintiff was therefore required to file an
13 opposition or a statement of non-opposition on or before December 28, 2015. Plaintiff
14 did not do so, and has not submitted any opposition or a statement of non-opposition to
15 this day.

16 Thus, based on the Defendants’ arguments, the court grants, without prejudice,
17 Defendants’ motions to dismiss.

18 IT IS SO ORDERED.

19 DATED: February 8, 2016

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21 JEFFREY T. MILLER
22 United States District Judge
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